



Domestic Violence Pilot

BRIEFING BY LAVONDA FOWLER

Background

- ▶ The CJIN Initiative of Pre-Trial Release has been ongoing for several years.
- ▶ That led up to the December Meeting that focused on Domestic Violence and possible solutions.
- ▶ Looking at the issue from a Multidisciplinary approach the 1st of many workshops was held a few weeks ago.
- ▶ Where law enforcement discussed a new approach to the concerns.

Summary Statement

- ▶ To improve the quality of services that victims of domestic violence receive when they seek help within their county.
- ▶ Intent is to streamline the process for the purpose of helping the victim, law enforcement, courts and everyone involved.
- ▶ With having the potential to issue a Temporary Domestic Violence Protection Order at the scene of an incident.
- ▶ This process in no way impacts or negates any other ongoing or current procedures.

Why the need for Improvement

- ▶ As it stands now the process could take up to six hours to process and anywhere from several weeks to months to serve. This creates additional stress on the victim and the victim's family, which might include an escalation in violence. Thus one of the initiatives of the CJIN Board was Pre-Trial release.
- ▶ With the elimination of additional time needed to process and serve an individual, this could potentially save immeasurable lives.

Possible solution

- ▶ To improve process workflow and enhance citizen services, I propose to leverage the popularity and accessibility of the web and the power of a digital signature and forms solution to transform how orders of protection are accessed, completed, submitted, reviewed, and approved. The more integrated, automated processes translate into enhanced citizen services that can be delivered faster, more conveniently, and more cost effectively than ever.

Incident Form



Raleigh Police Department

6716 Six Forks Rd
Raleigh, NC 27615

Offense/Incident Report

Incident		Date/Time Received	Incident Date/Time	Incident/Call Type	Incident Number	XREF Number
		05/28/2014 10:55:09	05/28/2014 01:00:09	05/28/2014 02:00:00	P058016339	
*TEST ADDRESS, RALEIGH NC 27681		Location		County	Coverage Area	
				Hoke	123	
Property						
Qty:	1	Type:	STOLEN	Serial:	Value: \$,00	
Description:		Mixed.				
THING:						
Description:		SOMETHING STOLEN				
Property						
Qty:	1	Type:	STOLEN	Serial:	Value: \$,000.00	
Description:		UPD MODEL				
UPD BRAND:						
Description:		UPDATED DESCRIPTION				
Vehicle						
Vehicle Class:		STOLEN		Vehicle Identification Number: 1333122122123324475152		
Registration No:		Registration State:		Registration Expiry:	Registration Type:	
Vehicle Year:	FORD	Vehicle Make:	CHXW	Vehicle Model:	Vehicle Color:	Vehicle Value:
Vehicle Owner						
Name:	UNKNOWN	Phone:	(919) 876-5432	Owner:	Phone:	
Address: 207 BRAGG ST RALEIGH, NC 27681						
SUSPECT						
Name:	USER, TEST	Ref:	SUSPECT	Phone:	(919) 996-1145	
Address:	6716 SIX FORKS RD RALEIGH, NC 27615		Driver's License:	Social Security		
Employer Name:		Employer Address:		Work Phone:		
File No.:	IPB#:	Date of Birth:	02/03/1926	Inv Age:	In/A	Sup Age:
		Height:		Weight:		Resid: H
		Sex:		Race:		Resident
		Mar:		Spouse:		Child:

Case Status	Approved Status		
Investigating Officer	Approved	Supervisor	Date
RICH, L (3933)	05/28/14	SO MAULSBY, J (2536)	05/28/14

1 of 1

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STATE OF NORTH CAROLINA
County
In The General Court Of Justice
District Court Division

VERSUS
Domestic Violence Protective Order

COMPLAINT AND MOTION
FOR
DOMESTIC VIOLENCE
PROTECTIVE ORDER

(Check only boxes that apply and fill in details. Additional sheets may be attached.)

1. I live in _____ County, North Carolina.

2. The defendant and I are spouses; are former spouses; are persons of the opposite sex who are not married but live together or have lived together; have a child in common; are parent and child or grandparent and grandchild; are current or former household members; are persons of the opposite sex who are in or have been in a dating relationship; are persons of the opposite sex who are in or have been in a dating relationship.

3. There is is not who has court proceedings between the defendant and me pending in this or any other state, your county, state, state, and what court or proceeding it is involved in.

4. The defendant has attempted to cause or has intentionally caused bodily injury to me or a member of my family or household; has threatened bodily injury or fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against me in that gave absolute consent and forced me to do it.

5. The defendant has attempted to cause or has intentionally caused bodily injury to the children living with me or in my custody; has caused my child(ren) fear of imminent bodily injury; in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against the child(ren) in that gave absolute consent and forced me to do it.

6. I believe he/she is in danger of serious and immediate injury to me or my child(ren).

7. Check this box if you ask for temporary child custody. The defendant and I are the parents of the following child(ren) under the age of eighteen:

A COPY OF "ARRESTAWI AS TO STATUS OF MINOR CHILD" (AOC-CV-690) MUST BE ATTACHED FOR EACH CHILD.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth

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8. *If the victim has a child, are asking for temporary child custody? This may include listing in No 7, above, is expected to be substantial risk of physical or emotional injury or exposed witness to that. (Describe in detail and response that outlines risk of physical or emotional harm or threat to the victim.)*

9. *The defendant has firearms and ammunition as described below. _____ has a permit to purchase a firearm. _____ has a permit to carry a concealed weapon. (Describe all firearms, whereabouts, gun permits and give identifying numbers if known, and indicate where defendant keeps firearms and gun permits.)*

10. *The defendant has used or threatened to use a deadly weapon against me or minor children) in my custody or has a pattern of prior conduct involving the use or threatened use of violence with a firearm against any persons in that (Give specific dates and describe in detail what happened.)*

11. *The defendant has made threats to commit suicide in that. (Give specific dates and describe in detail what happened.)*

Because Of The Acts Of Domestic Violence By The Defendant, I Am Requesting That The Court Give Me The Following Relief.
(Check any items that apply.)

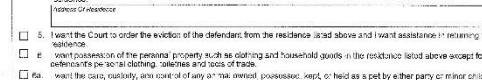
1. *I want emergency relief.*

2. *Stop them in a timely basis of domestic violence against me or my child(ren). I want an Ex Parte Order before notice of hearing is given to the court.*

3. *I want the Court to order the defendant not to assault, threaten, abuse, follow, harass or interfere with me and my child(ren).*

3a. *I want the defendant ordered not to orally threaten, abuse an animal owner, possessed, kept, or held as a pet by either party, or minor child residing in the household.*

4. *I ask for protection of my residence at the address listed below, and I want the defendant to move from and not return to the address.*

Respectfully,


5. *I want the Court to order the eviction of the defendant from the residence listed above and I want assistance in returning to the residence.*

6. *I want possession of the personal property such as clothing and household goods in the residence listed above except for the defendant's personal clothing, clothes and tools of trade.*

6a. *I want the car, jewelry, and items of any animal I did possess, kept, or held as a pet by either party or minor child residing in the household granted to me.*

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VERSUS	
Name of Defendant	
<input type="checkbox"/> I want the defendant to be ordered not to come on or about: <input type="checkbox"/> (a) my place where I work. <input type="checkbox"/> (c) the place where I work. <input type="checkbox"/> (b) the place where the children receives day care. <input type="checkbox"/> (d) any place where I am staying temporary shelter. <input type="checkbox"/> (e) any place where I am staying permanent. <input type="checkbox"/> (f) any place where the children's school. <input type="checkbox"/> (g) the place where I go to school. <input type="checkbox"/> (h) Other, (please other)	
The child(ren) currently attend: (please check) <input type="checkbox"/>	
<input type="checkbox"/> 8. I want the defendant to be ordered to have no contact with me. <input type="checkbox"/> 9. I want possession and use of the following vehicle: <input type="checkbox"/> Describe vehicle	
<input type="checkbox"/> 10. I want Defendant custody of all minor child(ren) listed in this Complaint. I understand that I must file a separate child custody action for permanent custody.	
<input type="checkbox"/> 11. I want the defendant to be ordered to make payments for the support of our minor child(ren), as required by law, but I understand it is only temporary, and that I must file a separate child support action for regular permanent child support.	
<input type="checkbox"/> 12. I want the Court to prohibit the defendant from possessing or purchasing a firearm.	
<input type="checkbox"/> 13. I want the Court to order the defendant to surrender to the sheriff if he has firearms, ammunition, and gun permits to purchase a handgun or long gun or any other weapons.	
<input type="checkbox"/> 14. I want the defendant to be ordered to attend an abuser treatment program.	
<input type="checkbox"/> 15. I want the defendant to be ordered to provide me and the child(ren) suitable alternative housing.	
<input type="checkbox"/> 16. I want the defendant to be ordered to make payments for my support as required by law, but I understand it is only temporary, and that I must file a separate action for regular permanent spousal support.	
<input type="checkbox"/> 17. Other (please)	
Date _____ Signature of Plaintiff/Defendant Complainant _____ _____ VERIFICATION I, the undersigned, being first duly sworn, say that I am the plaintiff in this action; that I have read the Complaint and Motion; that the matters and things alleged in the Complaint and Motion are so true except as to those things alleged upon information and belief and as to those believe them to be true and accurate.	
_____ SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME Date _____ Signature _____ Signature of Notary Public or Commissioned Notary _____ <input type="checkbox"/> Deaf/Hard of Hearing _____ Name _____ Type _____ <input type="checkbox"/> Amputee _____ Designated Notary _____ <input type="checkbox"/> Blind _____ Date My Commission Expires _____ <input type="checkbox"/> _____ County Where Resides _____ SEAL	

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Case No. [REDACTED]		EX PARTE DOMESTIC VIOLENCE ORDER OF PROTECTION G.S. 50A-2, 5, 11	
Court: General Court of Justice District Court Division	County: NORTH CAROLINA	PETITIONER/PLAINTIFF IDENTIFIERS	
Name: [REDACTED] Address on behalf of minor family members: [REDACTED] And [REDACTED]		SSN/Driver's License Other Interested Person/DOB:	
Sex: [REDACTED] Race: [REDACTED] DOB: [REDACTED]		Sex: [REDACTED] Race: [REDACTED] DOB: [REDACTED]	
Relationship to Petitioner: [REDACTED] former spouse [REDACTED] related by sex, currently or formerly living together [REDACTED] unmarried partner [REDACTED] of opposite sex, currently or formerly in dating relationship [REDACTED] parent or former household member [REDACTED] parent [REDACTED] grandparent [REDACTED] grandchild [REDACTED] respondent's relationship to witness: [REDACTED]		RESPONDENT/DEFENDANT IDENTIFIERS Sex: [REDACTED] Race: [REDACTED] DOB: [REDACTED] HT: [REDACTED] WT: [REDACTED] Eyes: [REDACTED] Hair: [REDACTED] Social Security Number: [REDACTED] Drivers License No.: [REDACTED] State: [REDACTED] Expiration Date: [REDACTED]	
VERSUS		Distinguishing Features:	
CAUTION: <input type="checkbox"/> Weapon Involved			
THE COURT HEREBY FINDS THAT: This matter was heard by the undersigned <input type="checkbox"/> district court judge <input type="checkbox"/> magistrate. The court has jurisdiction over the subject matter. Additional findings of this order are set forth on Page 2.			
THE COURT HEREBY ORDERS THAT: <input type="checkbox"/> The above named Respondent/Defendant shall not commit any further acts of domestic violence or make any threats of domestic violence. [REDACTED] <input type="checkbox"/> The above named Respondent/Defendant shall have no contact with the Petitioner/Plaintiff. No contact includes any verbal or written contact, except through an attorney, direct or indirect, by means such as telephone, personal contact, email, page, messaging or telephone machine. [REDACTED] Additional terms of this Order are set forth on Pages 3 and 4.			
The terms of this order shall be effective until: [REDACTED], [REDACTED], [REDACTED].			
WARNINGS TO THE RESPONDENT/DEFENDANT: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal Imprisonment (18 U.S.C. Section 2262). This order will be enforced anywhere in North Carolina. Only the Court can change this order. The plaintiff cannot give you permission to violate this order. See additional warnings on Page 4.			
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ADDITIONAL FINDINGS

1. As indicated by the check mark under "Respondent's initials" name on Page 1, the parties are hereinafter referred to as "a personal representative."

2. That on date of issue respondent _____ the defendant:

- a. attempted to cause _____ bodily injury to _____ the plaintiff. the children living with or in the custody of the plaintiff. the plaintiff's spouse. the plaintiff's children.
- b. caused _____ the plaintiff serious bodily injury. the plaintiff. a member of the plaintiff's family.
- c. a member of the plaintiff's household.
- d. placed in fear of imminent harm/harm that cause(s) plaintiff to flee a potential threat.
- e. placed in fear of imminent harm/harm that cause(s) plaintiff to flee a potential threat.
- f. committed in O.S.C. 14-722 (fel. rape). 14-722.2 (sex. rape). 14-726 (fel. assault).
- g. 27-27-27-28 (sexual offense). 27-32 (sexual battery). 27-51 (sexual activity by 16 or 17 to person against the plaintiff). a child(ren) living with or in the custody of the plaintiff by defendant.

(describe defendant's actions)

3. The defendant is in possession of, owns or has access to firearms, ammunition, and gun permits described below. (describe all firearms, ammunition, gun permits and other identifying information) (check appropriate boxes denoted with checkmark)

4. That defendant _____ used _____ threatened to use a deadly weapon against the _____ plaintiff. minor child(ren) residing with or in the custody of the plaintiff.

- a. has a pattern of prior conduct involving the _____ use _____ threatened use of weapons with a firearm against persons.
- b. made threats to seriously injure or kill the _____ plaintiff. minor child(ren) residing with or in the custody of the plaintiff.
- c. made threats to seriously injure or kill the _____ plaintiff. minor child(ren) residing with or in the custody of the plaintiff.
- d. inflicted serious injuries upon the _____ plaintiff. minor child(ren) residing with or in the custody of the plaintiff.
- e. inflicted serious injuries upon the _____ plaintiff. minor child(ren) residing with or in the custody of the plaintiff.

5. The parties are the parents of the following child(ren) under the age of eighteen (18). The child(ren) are presently in the physical custody of the _____ plaintiff. _____ defendant. The plaintiff has submitted an "Affidavit As To Status Of Minor Child." **NOTE TO JUDGE:** A copy of ACC-CV-609 for each child must be attached to the order.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth

6. The minor child(ren) is exposed to a substantial risk of physical or emotional injury or sexual abuse in that:

a. It is in the best interest of and necessary for the safety of the minor child(ren) _____ that defendant stay away from the minor child(ren). the defendant return the minor child(ren) to plaintiff. and that the defendant not remove the minor child(ren) from plaintiff in that.

b. (check box only if parent is entitled to physical care of child(ren)) It is in the best interest of the minor child(ren) that defendant have contact with the minor child(ren); that:

i. the _____ plaintiff is presently in possession of the parties' residence at _____.

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Case Number: [REDACTED] Date: [REDACTED]

10. The defendant plaintiff is presently in possession of the parties' vehicle. (Describe vehicle)

11. Other (specify)

12. (If no longer copy) This matter was heard at a time when the district court was not in session and a district court judge was not available and would not be available for a period of four or more hours.

CONCLUSIONS

Based on these facts, the Court makes the following findings against the defendant:

1. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.
2. The defendant has committed acts of domestic violence against the minor child(ren).
3. It clearly appears that there is a danger of acts of domestic violence against the plaintiff minor child(ren).

(C.S. §08-210)

4. The defendant currently is exposed to a substantial risk of physical injury emotional injury sexual abuse.

(C.S. §08-210)
5. The Court has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.
6. The defendant is in instant of and necessary for the safety of the minor child(ren) that the defendant stay away from the minor child(ren) (and) return the minor child(ren) to the physical care of the plaintiff (and) not remove the minor child(ren) from physical care.

7. The defendant's current residence requires that he/she surrender all firearms, ammunition and gun permits. (C.S. §08-3-1)

8. The plaintiff has failed to prove grounds for an injunction.

ORDER

It is ORDERED that:

1. The defendant shall not assault, threaten, abuse, harass, harass (by telephone, visiting the home or workplace or other places), or interfere with the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. (¶1)
2. The defendant shall not assault, threaten, abuse, harass (by telephone, visiting the home or workplace or other places), or interfere with the minor child(ren) residing with or in the custody of the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. (¶1)
3. The defendant shall not threaten a member of the plaintiff's family or household. (¶2)
4. If the plaintiff is in possession of and the defendant is excluded from the parties' residence described above and all personal property located in the residence except for the defendant's personal clothing, toiletries and tools of trade, the plaintiff may remove the defendant from the residence. A law enforcement officer shall assist the plaintiff in removing the defendant from the residence. (¶3)
5. The plaintiff [REDACTED] is entitled to get personal clothing, toiletries, and tools of trade from the parties' residence. A law enforcement officer shall assist the plaintiff defendant in returning to the residence to get these items. (¶4)
6. The plaintiff shall stay away from the following places:
 - a. the place where the plaintiff works. (¶4)
 - b. any school(s) the child(ren) attend. (¶4)
 - c. the place where the child(ren) receives day care. (¶4)
 - d. the plaintiff's school. (¶4)
 - e. Other: (specify) (¶4)
7. The defendant shall stay away from the following places:
 - a. the place where the defendant works. (¶4)
 - b. any school(s) the defendant attends. (¶4)
 - c. the place where the defendant receives day care. (¶4)
 - d. the defendant's school. (¶4)
8. The plaintiff is granted the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household. (¶4)
9. The defendant shall stay away from the plaintiff's residence or any place where the plaintiff resides temporarily after. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. (¶4)
10. The defendant is ordered to obey away from the minor child(ren) unless very far, or otherwise.

The defendant is ordered to immediately return the minor child(ren) to the care of the plaintiff.

6. and the defendant is ordered not to remove the minor child(ren) from the care of the plaintiff. (¶4)

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11. If No. 10 is checked and you are asking someone to accompany the defendant is allowed the following contact with the victim:
Character

12. the defendant is prohibited from: possessing or retaining (97) purchasing a firearm for the effective period of his/her (97) and the defendant's concealed handgun permit is suspended for the effective period of this Order. (98)

13. if defendant is a law enforcement officer/motor officer and/or armed peace officer may may not possess or use firearms for the purpose of his/her employment.

L13. the defendant is prohibited to the Sheriff serving this order the firearms, ammunition, and gun items described in Number 3 on the following on Page 2 of this Order and any other firearms and ammunition in the defendant's care, custody, possession, ownership or control. NOTE TO DEFENDANT: You must return these items to the Sheriff or the court within 24 hours of the issuance of this Order. The Sheriff will be surveilled at that time, you must return them to the Sheriff within 24 hours of the time and place specified by the Sheriff. Failure to surrender the weapons and permits as ordered or possessing, purchasing, or receiving a firearm, ammunition or permit, or any other item prohibited by this Order, is a violation of this Order and a criminal offense. See "Notice To Plaintiff To This Defendant" on Page 4 of this Order for information regarding the penalty for these crimes and instructions on how to request return of surrendered weapons.

14. the request for the Parole Board is denied.

15. Other (Specify) (99)

DATE: [Signature] **COURT:** [Signature] **Judge:** [Signature] **Deputy Clerk Magistrate:** [Signature]

NOTE TO PLAINTIFF: If the judge signs the Order and gives it to your lawyer it is the Clerk's office immediately. If the magistrate signs this Order and gives it to you, before the magistrate's signature.

NOTE TO CLEER: Give or mail a copy of this Order to the plaintiff and to the respondent's local law enforcement agency. Send copies to sheriff with Notice of Hearing, completed and signed for service on defendant. Send via e-mail to the sheriff if requested or deliver copies to the sheriff's office.

NOTICE TO PARTIES:

TO THE DEFENDANT:

- If this Order prohibits you from possessing, receiving or purchasing a firearm and you violate or attempt to violate this provision, you may be charged with a Class I felony pursuant to North Carolina G.S. 14-209.8 and may be imprisoned for up to 10 years.
- If you have been ordered to surrender firearms, ammunition, and gun permits and you fail to surrender them as required by this Order, or if you failed to disclose to the Court all information requested about possession of these items or provide false information about any of these items, you may be charged with a Class I felony pursuant to North Carolina G.S. 14-209.8 and may be imprisoned for up to 10 years. If you are in possession of a firearm, ammunition, and permit, you may file a motion for the return of weapons with the clerk of court in the county in which this Order was entered when the protective order is no longer in effect, except if at the time this Order expires, you are still in possession of a firearm, ammunition, and permit, you may file a motion for the return of weapons with the person who is protected by the order, you may not file for return of the weapons until trial disposition of the criminal charges. The form "Motion For Return Of Weapons Surrendered Under Protective Order" (Form CV-14-CV-14) is available on the Clerk of Court's website. This motion must be filed within 90 days after the expiration of this Order that requires you to surrender the firearms or if you have pending criminal charges alleged to have been committed against the person who is protected by the defendant. If you file this motion, you must appear in court to answer the criminal charges. At the time you file the motion, the clerk will schedule a hearing before the magistrate or a judge to determine whether to return the weapons to you. The sheriff cannot return your weapons unless the Court orders the sheriff to do so. You must pay the storage fees for the weapons while they are held by the sheriff. You must pay the storage fees for the weapons within 30 days after the expiration of this Order, or the final disposition of criminal charges pending at the time this Order expired, or if you fail to pay the storage fees within 30 days after the Court enters an order to return your weapons, the sheriff may seek an order from the court to collect expenses of your keeping.

TO THE PLAINTIFF:

- You should keep a copy of this order on you at all times and should make copies to give to your friends and family. If you move to another county or state, you may wish to give a copy to the law enforcement agency where you move, but you are not required to do so.
- The court or judge is the only one that can change to this order. If you wish to change any of the terms of this order, you must file a motion with the court or judge personally.
- If the defendant violates any provision of this order, you may call a law enforcement officer or go to a magistrate to charge the defendant with the crime of violating a protective order. You also may go to the Clerk of Courts office in the county where the protective order was issued and ask to fill out Form 5000-CV-307, Motion for Order To Show Cause Domestic Violence Protection Order, to have an order issued for the defendant to appear before a court or judge to be held in contempt for violating the order.

Form 5000-CV-307, Page 4 of 5 Rev. 12/15
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CERTIFICATION	
I certify this order is a true copy. Date _____ Signature _____ <input type="checkbox"/> Copy or <input type="checkbox"/> Fax or <input type="checkbox"/> Email or <input type="checkbox"/> Other	
RETURN OF SERVICE	
NOTE: To be used when Plaintiff files an order of protection and no order will be served on defendant separate from the complaint and civil summons. If defendant and summons are served with order, return on subsequent orders.	
I certify that a Ex Parte Domestic Violence Order of Protection was received and served as follows:	
Place Served	Time Served
<input type="checkbox"/> By delivering to the defendant named above a copy of the order.	
<input type="checkbox"/> By leaving a copy of the order at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.	
<input type="checkbox"/> Other manner of service on the defendant (specify): _____	
<input type="checkbox"/> Defendant WAS NOT served for the following reason: _____	
Signatures	Signature of Plaintiff/Defendant/Attorney Date _____
Date of Return	Date of Delivery when Plaintiff/Servant Date or place _____
County of Service _____	

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